

REMARKS

Claims 5, 7, 9-13, 18-20 and 22-47 were pending in the instant application. Claims 11 and 12 have been cancelled and claims 5 and 7 have been amended in order to expedite prosecution of the instant application. Support for the amendments to claims 5 and 7 can be found, at least, in original claim 12 of the application as originally filed. *No new matter has been added.* Applicants reserve the right to pursue the cancelled subject matter in one or more continuation applications.

Rejection of claims 5, 7, and 9-11 under 35 U.S.C. § 102(a)

In order to expedite prosecution, Applicants have amended the claims to obviate the outstanding rejection of claims 5, 7, and 9-11 under 35 U.S.C. § 102(a) over Muto et al. CA 137 corresponding to published WO 02/049632. Applicants have amended claim 5 to include all the limitations of non-rejected claim 12. Claims dependent from claim 5 have been amended, as appropriate. Applicants respectfully submit that this rejection be withdrawn.

Provisional Rejection of Claims 5, 7, 9-13, 18-20 and 22-47 under the Judicially Created Doctrine of Obviousness-type Double Patenting

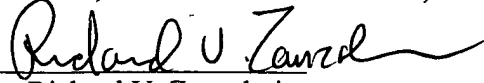
Claims 5, 7, 9-13, 18-20 and 22-47 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of co-pending Application No. 11/597,758. Applicants note that this rejection is moot with regard to cancelled claims 11 and 12.

Applicants respectfully submit that, while in no way admitting that the present claims are obvious over the claims of co-pending U.S. Patent Application No. 11/597,758, upon allowance of the this application, Applicants will consider submitting a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) and (c), if appropriate, which will obviate the rejection.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. If a telephone conversation with Applicant's attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's attorney.

Respectfully submitted,
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